IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET.
CIVIL APPLICATION NO.128 OF 2005
IN
APPEAL FROM ORDER NO.210 OF 2005

Babubhai R. Parmar ...Appellant

Vs.

Municipal Corporation of
Greater Bombay ...Respondent

CORAM: A.S.OKA,J.
DATE : FEBRUARY 21, 2005.

P.C.:

1. Rule. Respondent waives service. Considering the reply filed by the Respondent to the Notice of Motion in the Trial Court, prima facie, it appears that on the date of filing of the suit, the structure in dispute was in existence and it is the case of the Respondent-Corporation that the Appellant has carried out the work of plastering without obtaining permission.

2. In view of this position, till the final disposal of the Appeal, the Respondent-Corporation is restrained from demolishing the suit structure without following due process of law. However, the Appellant will not carry out any additions or alterations to the suit structure without permission of the Respondent and will not create any third party interests in respect of the suit structure.

3. Civil Application is disposed of in above terms.

JUDGE.